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NOVEMBER 13, 2013



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

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December 19, 2012

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **MISLABELED SEAFOOD SOLD IN RESTAURANTS AND GROCERY STORES**

On November 20, 2012, on a motion by Supervisor Antonovich, the Board instructed the Department of Public Health (DPH) to outline next steps regarding mislabeled seafood.

As detailed in the November 1, 2012 memo regarding this subject, DPH collaborated with the California Department of Public Health, the U.S. Food and Drug Administration, and the National Oceanic and Atmospheric Administration to appropriately address the issue of seafood mislabeling. Part of that effort involved in conducting a preliminary survey in Los Angeles County. The survey findings revealed a common deficiency in seafood labeling and menu disclosure wherein product information was found to be inaccurate or false. Inaccuracies were noted at all levels of seafood commerce (retail, wholesale, and import). For DPH to address this systematic problem, a broad partnership is required.

To this end, DPH is expanding the Seafood Task Force to include industry stakeholders, such as the National Fisheries Institute, Better Seafood Board, and Oceana. DPH will convene the Seafood Workgroup in early 2013 with the purpose of developing strategies to address species substitution, mislabeled seafood, and deficiencies in menu disclosures. Strategies will include developing educational components for DPH Environmental Health inspectors, consumers, and retail and wholesale food facilities that sell or distribute seafood. Workgroup efforts will also include creating an enforcement plan to be jointly supported by State and federal partners, as well as industry stakeholders.

DPH will report back to your Board on the progress of the Seafood Workgroup by April 2013.

In the meantime, if you have any questions or would like more information, please let me know.

JEF:pk
PH:1204:004

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



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April 19, 2013

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J. Fielding ms*
Director and Health Officer

SUBJECT: **MISLABELED SEAFOOD**

On a motion by Supervisor Antonovich on November 20, 2012, the Department of Public Health (DPH) was directed to provide its next steps regarding mislabeled seafood. The report to your Board on December 19, 2012 provided a brief outline of the next steps. This is an update to that report.

On January 29, 2013, DPH convened a workgroup with the National Fisheries Institute (NFI), which represents 80% of fish distributors within the county, including the American Fish and Seafood Company, H&N Foods International, Southwind Foods Company, Great American Seafood Imports Company, and Pacific American Fish Company. On February 26, 2013, DPH convened the workgroup again with participation from these major distributors as well as representatives of the Chinese-American and Japanese Restaurant Associations. The purpose of convening the workgroup was to discuss DPH's approach to addressing seafood substitution/mislabeling including economic fraud.

Species substitution and mislabeling are considered economic fraud because a less expensive fish is substituted or mislabeled as a more expensive fish. For example, escolar, which poses a health risk to some consumers, is usually mislabeled as 'white tuna,' which, in fact, does not exist. The NFI, in particular, expressed their commitment to local efforts to stamp out economic fraud in the seafood industry.

The workgroup developed a list of the species of seafood most commonly substituted and/or mislabeled in Los Angeles County. The following list represents those species that DPH will focus on going forward.

| Seafood Offered | Less Expensive Substitute |
|---|--|
| Tuna, White Tuna* | Escolar |
| Snapper, Red Snapper | Rockfish Tai Seabream Tilapia Ocean Perch Pollock Cod |
| Orange Roughy | Swai |
| Halibut | Striped Bass Fluke Turbot Sea Bass Flounder |
| Wild-Caught Salmon | Farm-Raised Salmon |
| * White tuna does not exist; it is a term used by retailers to appeal to consumers. | |

Additionally, the workgroup determined that retailers need to be better informed of the measures they can take regarding seafood mislabeling and species substitution. With certain retailers, species identification discrepancies may be due to translational, cultural, or geographical factors. To address this, beginning in May 2013, DPH inspectors will hand out guideline materials during routine inspections of food facilities that offer seafood. The purpose of these materials is to assist operators in checking for proper labeling and cross-checking for seafood species. DPH will post the informational guidelines as well as an informational page for consumers on the DPH Environmental Health website, publichealth.lacounty.gov/eh.

When DPH inspectors observe discrepancies with species identification that are due to the actions of the wholesale distributor, a referral will be made to the appropriate State and federal regulatory agencies. When an operator observes species substitution or has mislabeling complaints discrepancies, DPH is encouraging them to report it via the DPH complaint hotline (888) 700-9995 or online Report-a-Problem on the DPH Environmental Health website. All complaints will be either handled directly by DPH, or referred to the appropriate State and/or federal authorities.

DPH will provide our next update to your Board by July 1, 2013. In the meantime, if you have any questions or would like additional information, please let me know.

JEF:pk
PH:1204:004

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



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August 5, 2013

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J. Fielding*
Director and Health Officer

SUBJECT: **MISLABELED SEAFOOD**

On a motion by Supervisor Antonovich on November 20, 2012, the Department of Public Health (DPH) was directed to provide its next steps regarding mislabeled seafood. The December 19, 2012 report to your Board provided a brief outline of the next steps. The April 16, 2013 report provided an update to that report. This is an update on the implementation.

The workgroup of DPH representatives; seafood distributors, including American Fish and Seafood Company, H&N Food International, Southwind Foods Company, Great American Seafood Imports Company, and Pacific American Fish Company; and representatives of the Chinese-American and Japanese Restaurant Associations determined that retailers, as well as consumers, needed to be better informed of the measures they could take regarding seafood mislabeling and species substitution. To that end, DPH developed the attached two guideline materials: one for restaurant/ market owners and another for consumers. Both have been posted on the DPH Environmental Health Division website, and can be viewed at <http://publichealth.lacounty.gov/eh/AreasOfInterest/food.htm> under "What's New."

Beginning July 2013, field inspectors began distributing the "*What Restaurants and Markets Need to Know about Seafood Mislabeling*" guidelines to food facility operators who offer seafood for sale. Discrepancies observed by inspectors during a routine inspection or as a result of a complaint investigation will be documented and tracked. DPH will provide a report of seafood labeling and species discrepancies for the first quarter of FY 2013-14 in the next update to your Board in October 2013.

In the meantime, if you have any questions or need additional information, please let me know.

JEF:pk
PH:1204:004

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

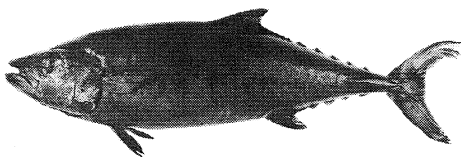
What You Need to Know About Seafood Mislabeling

What do you need to know about ordering or purchasing seafood?

Mislabeling or substituting seafood is a violation of the California Health and Safety Code. Restaurants, markets, and other food facilities have to tell you the truth about the seafood they offer. The species, country of origin, weight portions, and/or size must be accurately presented.

Mislabeling or substituting seafood may pose a health risk to some consumers.

Escolar, pictured to the right, is sometimes mislabeled and sold as "white tuna." White tuna is not a real species. Escolar can



Escolar

cause gastrointestinal illness or other health problems for some people. If a menu or label says *white tuna*, ask the restaurant or market staff for more information.

Are you getting what you paid for?

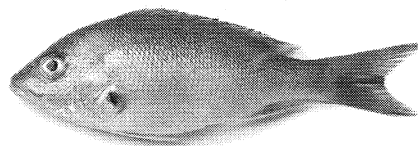
Some seafood items are advertised and priced as premium items, such as *Wild-caught Salmon* or *Orange Roughy*.

Customers who want to enjoy a great seafood meal may pay top dollar for a premium item, but receive a less expensive substitution, such as *Farm-raised Salmon* or *Swai*. The chart at the right lists other examples of common seafood substitutions.

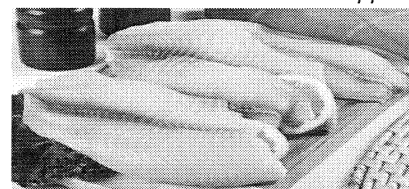
Do you suspect seafood mislabeling or substitution?

If you suspect seafood mislabeling or substitution, contact Environmental Health at (626) 430-5200 during business hours, 8 am to 5 pm, Monday through Friday; call the 24-hour Hotline at (888) 700-9995; or send an e-mail to ehmail@ph.lacounty.gov.

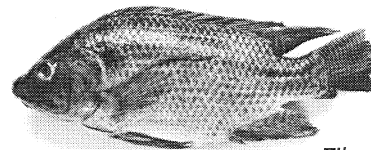
| Seafood Offered | Actual Species or Less Expensive Substitute |
|--------------------------------|--|
| White Tuna (does not exist) | Escolar |
| Snapper Red Snapper | Rockfish Tai Seabream Tilapia Ocean Perch Pollock Cod |
| Orange Roughy | Swai |
| Halibut | Striped Bass Fluke Turbot Seabass Flounder |
| Wild-Caught Salmon | Farm-Raised Salmon |



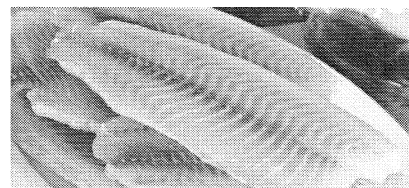
Red Snapper



Red Snapper Fillet



Tilapia



Tilapia Fillet

What Restaurants and Markets Need to Know About Seafood Mislabeling

Protect your customers and your business from illegal seafood substitutions or mislabeling.

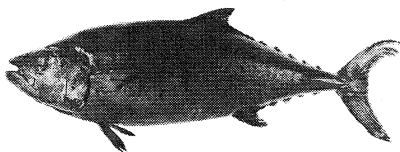
Why you should avoid buying or selling mislabeled seafood:

It's illegal. Mislabeling or substituting seafood is a violation of California Health and Safety Code, Section 114087. Environmental Health conducts special inspections to protect consumers from the sale of adulterated, misrepresented, and/or mislabeled seafood.

Deliberate violations of the law will be addressed during inspections. Violations include failure to disclose accurate information about a seafood species, country of origin, weight portions, and/or size.

Mislabeling or substituting seafood may pose a health risk to some customers.

Escolar, pictured to the right, is sometimes mislabeled and sold as "white tuna." White tuna is not a real species. Escolar can cause gastrointestinal illness or other health problems for some customers.



Escolar

It is important to sell and offer honestly presented seafood in order to protect customers' health.

Tips for buying and selling safe seafood:

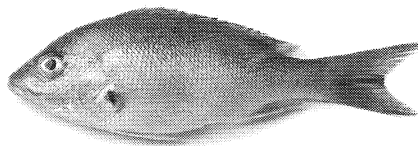
Compare the label on the food container or packaging with the invoice or receipt to make sure it matches what you ordered.

Remember, *white tuna* does not exist. If your invoice says *white tuna* or it is missing information such as species or country of origin, do not accept delivery. Return the product to the supplier or distributor, and ask for more information, or contact your Health Inspector for advice.

Questions? We're here to help!

If you suspect seafood mislabeling or substitution, contact Environmental Health at (626) 430-5200 during business hours, 8 am to 5 pm, Monday through Friday; call the 24-hour Hotline at (888) 700-9995; or send an e-mail to ehmail@ph.lacounty.gov.

| Seafood Offered | Actual Species or Less Expensive Substitute |
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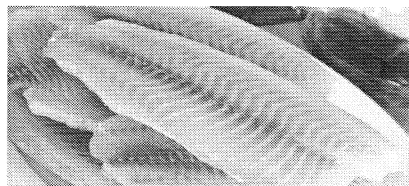
Red Snapper



Red Snapper Fillet



Tilapia



Tilapia Fillet



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November 13, 2013

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J. Fielding*
Director and Health Officer

SUBJECT: **MISLABELED SEAFOOD**

On a motion by Supervisor Antonovich on November 20, 2012, the Department of Public Health (DPH) was directed to provide its next steps regarding mislabeled seafood. Subsequently, DPH has provided updates on implementation activities on December 19, 2012, April 16, 2013, and August 5, 2013. This report provides a further update on implementation activities, and ongoing and future plans to monitor mislabeling, investigate complaints, and to conduct enforcement activities.

The workgroup of DPH representatives; seafood distributors, including American Fish and Seafood Company, H&N Food International, Southwind Foods Company, Great American Seafood Imports Company, and Pacific American Fish Company; and representatives of the Chinese-American and Japanese Restaurant Associations had determined that retailers, as well as consumers, needed to be better informed of the measures they could take regarding seafood mislabeling and species substitution. In response, DPH posted two sets of guideline materials on the DPH Environmental Health Division website, which also contains a link to the DPH Report-A-Problem page.

In July 2013, field inspectors began distributing the *"What Restaurants and Markets Need to Know about Seafood Mislabeling"* guidelines to food facility operators who offer seafood for sale, and logging mislabeling and substitution violations observed during field inspections. DPH's approach is to educate facility operators during the course of routine or "complaint" inspections for the balance of the current fiscal year. On July 1, 2014, we will initiate enforcement in consultation with the appropriate prosecutorial agency.

After a review of the reports for the first quarter of Fiscal Year 2013-14, a total of two incidents of seafood substitution were reported: one through the Report-A-Problem webpage and the other was observed during the course of a routine inspection. The first incident revealed that a restaurant was substituting crawfish for lobster in sushi rolls. The second incident involved the substitution of white tuna and red snapper with escolar and tilapia, respectively. The operators were directed to discontinue the substitution(s) and change the menu to reflect the proper fish species being offered.

Each Supervisor
November 13, 2013
Page 2

DPH will continue to inspect restaurants and markets that offer seafood for sale, investigate complaints on seafood, monitor mislabeling/substitution violations for trends, and take appropriate enforcement action to address observed seafood mislabeling/substitution violations.

If you have any questions, or need additional information, please let me know.

JEF:pk
PH:1204:004

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors